IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Bail Appl..No. 4345 of 2007(S)

CRIME NO.137 OF 2007 OF CHEVAYUR POLICE STATION

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: PETITIONER/1ST ACCUSED

SUNDARAN, S/O. BALAN,
VENGOT THAZHAM, CHEVARAMBALAM, KOZHIKODE.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: COMPLAINANT & STATE

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1. SUB INSPECTOR OF POLICE,
CHEVAYUR POLICE STATION, CHEVAYUR, KOZHIKODE.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4345 of 2007

Dated this the 18th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. He faces allegations in a crime under Section 498 A I.P.C registered on the basis of a private complaint filed by the defacto complainant and referred to the police under Section 156(3) Cr.P.C. The marriage took place on 30.09.06. There is strain in the matrimony. According to the petitioner, false and vexatious allegations are raised now solely on account of such strain in the matrimony. Anticipatory bail may be granted to the petitioner, it is prayed.

2. The learned Public Prosecutor does not oppose the application and in the facts and circumstances indicted above, I am satisfied that anticipatory bail can be granted to the petitioner.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 25.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 26.07.2007 and 27.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 25.07.07 as directed in clause (1) above, he shall be released on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 25.07.07.

(R.BASANT, JUDGE)

rtr/-